

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

SANITA A. DIVIETRO,

Plaintiff,

v.

Case No. 3:18-cv-02061-JPG-RJD

EQUIFAX INFORMATION SERVICES,  
LLC, and HEIGHTS FINANCE  
CORPORATION,

Defendants.

**MEMORANDUM AND ORDER**

**J. PHIL GILBERT, DISTRICT JUDGE**

Plaintiff Sanita DiVietro and defendant Heights Finance Corporation have filed a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). (ECF No. 20.) That rule allows the parties to dismiss an action at their own accord, but only if the stipulation of dismissal is signed by all parties. Here, because the stipulation is signed by both DiVietro and Heights Finance Corporation, the Court **FINDS** that Heights Finance Corporation is **DISMISSED** from this case **WITH PREJUDICE**.

DiVietro also filed a stipulation of dismissal as to the other defendant: Equifax Information Services, LLC. (ECF No. 21.) The Court previously ordered that the stipulation of dismissal failed under Rule 41(a)(1)(A)(ii) because it was not signed by Equifax's counsel, but upon further review, the Court is satisfied that the stipulation meets the requirements of Federal Rule 41(a)(1)(A)(i) instead. That rule allows a plaintiff to dismiss their own action if they file the notice before the opposing party has filed an answer or motion for summary judgment. Here, having met the requirements of the rule, the Court **FINDS** that Equifax is also **DISMISSED** from this case

**WITH PREJUDICE.** Both defendants having been dismissed, the Court **DIRECTS** the Clerk of Court to close this case.

**IT IS SO ORDERED.**

**DATED: MARCH 4, 2019**

*s/ J. Phil Gilbert*  
**J. PHIL GILBERT**  
**U.S. DISTRICT JUDGE**